

CHAPTER 268

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 22-004

BY SENATOR(S) Rankin and Bridges, Ginal, Winter;
also REPRESENTATIVE(S) McCluskie, Amabile, Bacon, Bennett, Bird, Boesenecker, Exum, Herod, Hooton, Jodeh, Lindsay,
McCormick, McLachlan, Michaelson Jenet, Sirota, Titone, Valdez A., Valdez D., Young.

AN ACT

**CONCERNING MEASURES TO SUPPORT EVIDENCE-BASED LITERACY INSTRUCTION FOR STUDENTS IN
EARLY GRADES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-7-1208, **amend** (6)(d); and **add** (6.5) and (6.7) as follows:

22-7-1208. Local education providers - procedures - plans - training - rules.
(6) (d) Notwithstanding the provisions of subsection (6)(a) of this section, a local education provider that is not in compliance with the requirements of this subsection (6) as of the beginning of the 2022-23 school year or for a subsequent school year may request a one-year extension from the ~~department~~ STATE BOARD based on a demonstration of good cause for inability to comply.

(6.5) (a) BY THE BEGINNING OF THE 2024-25 SCHOOL YEAR AND CONTINUING FOR EACH SCHOOL YEAR THEREAFTER, EACH LOCAL EDUCATION PROVIDER THAT RECEIVES PER-PUPIL INTERVENTION MONEY OR A GRANT THROUGH THE EARLY LITERACY GRANT PROGRAM IN ANY BUDGET YEAR STARTING WITH THE 2023-24 BUDGET YEAR SHALL ENSURE THAT EACH PRINCIPAL IN A SCHOOL THAT SERVES KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE AND EACH ADMINISTRATOR WITH RESPONSIBILITY THAT PERTAINS TO PROGRAMS IN KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY COMPLETES OR HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING DESIGNED FOR SCHOOL ADMINISTRATORS IN THE SCIENCE OF READING. THE EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING MUST INCLUDE THE CONCEPTS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION TO

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ASSIST PRINCIPALS IN COACHING AND EVALUATING TEACHERS. THE TRAINING MUST ALSO INCLUDE TOPICS RELATED TO IMPLEMENTING SCHOOLWIDE SCIENTIFICALLY BASED AND EVIDENCE-BASED READING PROGRAMMING. TO COMPLY WITH THIS SUBSECTION (6.5)(a), A LOCAL EDUCATION PROVIDER SHALL SUBMIT EVIDENCE THAT EACH PRINCIPAL AND ADMINISTRATOR DESCRIBED IN THIS SUBSECTION (6.5)(a) HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING THAT IS:

(I) INCLUDED AS A COURSE IN AN APPROVED PROGRAM OF PREPARATION, AS DEFINED IN SECTION 22-60.5-102 (8) FOR PRINCIPALS OR ADMINISTRATORS, OR AN INDIVIDUALIZED ALTERNATIVE PRINCIPAL PROGRAM, OR OTHER ALTERNATIVE PRINCIPAL PROGRAM, APPROVED PURSUANT TO SECTION 22-60.5-305.5;

(II) INCLUDED AS A COURSE IN A POST-GRADUATE DEGREE PROGRAM IN TEACHING READING OR LITERACY;

(III) PROVIDED BY THE DEPARTMENT OR INCLUDED ON THE ADVISORY LIST OF RIGOROUS PROFESSIONAL DEVELOPMENT PROGRAMS PROVIDED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(c); OR

(IV) PROVIDED BY A LOCAL EDUCATION PROVIDER OR IS APPROPRIATE FOR LICENSE RENEWAL PURSUANT TO SECTION 22-60.5-110 (3).

(b) THE DEPARTMENT SHALL PROVIDE, AT NO COST, TRAINING FOR ELEMENTARY SCHOOL ADMINISTRATORS TO MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (6.5)(a) OF THIS SECTION. THE DEPARTMENT MAY PROVIDE THE TRAINING IN-PERSON OR ONLINE.

(c) NOTWITHSTANDING SUBSECTION (6.5)(a) OF THIS SECTION, A LOCAL EDUCATION PROVIDER THAT IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (6.5) AS OF THE BEGINNING OF THE 2024-25 SCHOOL YEAR OR FOR A SUBSEQUENT SCHOOL YEAR MAY REQUEST A ONE-YEAR EXTENSION FROM THE STATE BOARD BASED ON A DEMONSTRATION OF GOOD CAUSE FOR INABILITY TO COMPLY.

(d) THE STATE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY THE CONTENT AND MINIMUM NUMBER OF HOURS REQUIRED FOR THE TRAINING DESCRIBED IN SUBSECTION (6.5)(a) OF THIS SECTION; THE TIME FRAMES AND PROCEDURES FOR COMPLYING WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (6.5)(a) OF THIS SECTION AND FOR APPLYING FOR AN EXTENSION PURSUANT TO SUBSECTION (6.5)(c) OF THIS SECTION; AND THE FORM IN WHICH A LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE OF THE COMPLETION OF THE TRAINING REQUIRED IN SUBSECTION (6.5)(a) OF THIS SECTION.

(6.7)(a) BY THE BEGINNING OF THE 2024-25 SCHOOL YEAR AND CONTINUING FOR EACH SCHOOL YEAR THEREAFTER, EACH LOCAL EDUCATION PROVIDER THAT RECEIVES PER-PUPIL INTERVENTION MONEY OR A GRANT THROUGH THE EARLY LITERACY GRANT PROGRAM IN ANY BUDGET YEAR STARTING WITH THE 2023-24 BUDGET YEAR SHALL ENSURE THAT EACH READING INTERVENTIONIST EMPLOYED TO TEACH STUDENTS IN ANY OF GRADES FOUR THROUGH TWELVE SUCCESSFULLY COMPLETES OR HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN

TEACHING READING AS DESCRIBED FOR TEACHERS IN SUBSECTION (6) OF THIS SECTION. TO COMPLY WITH THIS SUBSECTION (6.7)(a), A LOCAL EDUCATION PROVIDER SHALL SUBMIT EVIDENCE THAT EACH READING INTERVENTIONIST EMPLOYED TO TEACH STUDENTS IN ANY OF GRADES FOUR THROUGH TWELVE HAS PASSED AN END-OF-COURSE ASSESSMENT OF LEARNING AT THE COMPLETION OF THE EVIDENCE-BASED TRAINING.

(b) THE DEPARTMENT SHALL PROVIDE, AT NO COST, TRAINING FOR READING INTERVENTIONISTS TO MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (6.7)(a) OF THIS SECTION. THE DEPARTMENT MAY PROVIDE THE TRAINING IN-PERSON OR ONLINE.

(c) NOTWITHSTANDING SUBSECTION (6.7)(a) OF THIS SECTION, A LOCAL EDUCATION PROVIDER THAT IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (6.7) AS OF THE BEGINNING OF THE 2024-25 SCHOOL YEAR OR FOR A SUBSEQUENT SCHOOL YEAR MAY REQUEST A ONE-YEAR EXTENSION FROM THE STATE BOARD BASED ON A DEMONSTRATION OF GOOD CAUSE FOR INABILITY TO COMPLY.

(d) THE STATE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY THE CONTENT AND MINIMUM NUMBER OF HOURS REQUIRED FOR TRAINING FOR READING INTERVENTIONISTS REQUIRED IN SUBSECTION (6.7)(a) OF THIS SECTION; TIME FRAMES AND PROCEDURES FOR COMPLYING WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (6.7)(a) OF THIS SECTION AND FOR APPLYING FOR AN EXTENSION PURSUANT TO SUBSECTION (6.7)(c) OF THIS SECTION; AND THE FORM IN WHICH A LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE OF THE COMPLETION OF AN END-OF-COURSE ASSESSMENT OF LEARNING AS REQUIRED IN SUBSECTION (6.7)(a) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 22-7-1209, **amend** (2)(c) introductory portion as follows:

22-7-1209. State board - rules - department - duties. (2) (c) Using the procedure developed pursuant to subsection (3) of this section, the department shall create an advisory list of rigorous professional development programs ~~that~~ FOR TEACHERS, READING INTERVENTIONISTS, PRINCIPALS, AND ADMINISTRATORS, WHICH PROGRAMS are related to addressing significant reading deficiencies and to applying intervention instruction and strategies, in addition to programs related to teaching general literacy, that local education providers are encouraged to use. The department shall include on the advisory list professional development programs that are available online. The department shall ensure that each professional development program included on the advisory list is:

SECTION 3. In Colorado Revised Statutes, 22-7-1210, **amend** (4)(d)(I)(E) as follows:

22-7-1210. Early literacy fund - created. (4) The money in the fund is subject to annual appropriation by the general assembly to the department. The department shall annually expend the money in the fund as follows:

(d) (I) Beginning in the 2020-21 budget year and for budget years thereafter, the

department shall annually expend the money credited to the early literacy fund for the following purposes:

(E) To pay the costs incurred in providing to local education providers technical assistance in implementing this part 12, ~~and training in teaching reading for teachers employed to teach kindergarten and grades one through three AND FOR READING INTERVENTIONISTS EMPLOYED TO TEACH GRADES FOUR THROUGH TWELVE, TRAINING FOR PRINCIPALS AND ADMINISTRATORS PURSUANT TO SECTION 22-7-1208 (6.5), AND TRAINING FOR LIBRARIANS PURSUANT TO SECTION 24-90-121~~; monitoring the use of money received as per-pupil intervention money or grants through the early literacy grant program; and fulfilling the administrative requirements specified in this part 12.

SECTION 4. In Colorado Revised Statutes, 22-7-1210.5, **amend** (4)(g); and **add** (3)(b)(II.5) as follows:

22-7-1210.5. Per-pupil intervention money - uses - distribution - monitoring - repeal. (3) (b) To receive per-pupil intervention money in a budget year, a local education provider must meet the following requirements:

(II.5) FOR THE 2024-25 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE THAT IT IS IN COMPLIANCE WITH THE PRINCIPAL AND ADMINISTRATOR TRAINING REQUIREMENTS SPECIFIED IN SECTION 22-7-1208 (6.5) AND THE READING INTERVENTIONIST TRAINING REQUIREMENTS SPECIFIED IN SECTION 22-7-1208 (6.7);

(4) A local education provider may use the per-pupil intervention money only as follows:

(g) To provide professional development programming to support educators in teaching reading. Professional development programming authorized in this subsection (4)(g) may include hiring a reading coach who is trained in teaching the foundational reading skills of phonemic awareness, phonics, vocabulary development, reading fluency, including oral skills, and reading comprehension to provide job-embedded, ongoing professional development to support kindergarten-through-third-grade teacher competence in teaching phonemic awareness, phonics, vocabulary development, reading fluency, including oral skills, and reading comprehension. A local education provider that has not fully complied with ~~section 22-7-1208 (6)~~ SECTION 22-7-1208 (6), (6.5), OR (6.7) is strongly encouraged to use per-pupil intervention money to ensure that all teachers employed by the local education provider to teach kindergarten or any of grades one through three AND ALL READING INTERVENTIONISTS EMPLOYED TO TEACH GRADES FOUR THROUGH TWELVE successfully complete evidence-based training in teaching reading, AND THE PRINCIPALS AND ADMINISTRATORS DESCRIBED IN SECTION 22-7-1208 (6.5)(a) SUCCESSFULLY COMPLETE EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING, before using the money for other authorized purposes.

SECTION 5. In Colorado Revised Statutes, **add** 24-90-121 as follows:

24-90-121. Public libraries - science of reading - training - report -

definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DIRECTOR" MEANS THE DIRECTOR OF A BOARD OF TRUSTEES EMPLOYED BY THE BOARD OF TRUSTEES PURSUANT TO SECTION 24-90-109 (1)(c).

(b) "EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING" OR "TRAINING" MEANS TRAINING THAT:

(I) IS BASED ON RELIABLE, TRUSTWORTHY, AND VALID EVIDENCE;

(II) INCLUDES EXPLANATION AND INSTRUCTION IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY, INCLUDING ORAL SKILLS, AND READING COMPREHENSION; AND

(III) IS INCLUDED ON THE ADVISORY LIST OF RIGOROUS PROFESSIONAL DEVELOPMENT PROGRAMS CREATED AND MAINTAINED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-7-1209 (2)(c).

(2)(a) THE DIRECTOR OF EACH PUBLIC LIBRARY IS ENCOURAGED TO WORK WITH THE DEPARTMENT OF EDUCATION TO PROVIDE EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING FOR EACH LIBRARIAN WHO WORKS WITH CHILDREN ENROLLED IN PRESCHOOL, KINDERGARTEN, OR EARLY ELEMENTARY GRADES. IN ADDITION, THE DIRECTOR IS ENCOURAGED TO IDENTIFY AND PROVIDE IN THE LIBRARY MATERIALS AND ACTIVITIES FOR PARENTS AND CHILDREN TO IMPROVE LITERACY, WHICH MATERIALS AND ACTIVITIES ARE APPROPRIATE FOR PRESCHOOL, KINDERGARTEN THROUGH SECOND GRADE, AND THIRD THROUGH SIXTH GRADE AND ARE DESIGNED TO IMPROVE READING COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND READING COMPREHENSION.

(b) AT THE REQUEST OF A DIRECTOR, THE DEPARTMENT OF EDUCATION SHALL PROVIDE, AT NO COST TO THE PUBLIC LIBRARY, EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING TO ONE OR MORE LIBRARIANS WHO ARE EMPLOYED BY THE PUBLIC LIBRARY. THE DEPARTMENT MAY PROVIDE THE TRAINING IN-PERSON OR ONLINE AND MAY PROVIDE THE SAME TRAINING FOR LIBRARIANS THAT IT PROVIDES FOR TEACHERS PURSUANT TO SECTION 22-7-1208 (6)(c).

(3) THE DIRECTOR OF EACH PUBLIC LIBRARY MAY PREPARE A PLAN DESCRIBING HOW THE DIRECTOR AND THE LIBRARIANS EMPLOYED AT THE LIBRARY WILL WORK WITH CHILDREN AND THEIR PARENTS TO SUPPORT LITERACY USING MATERIALS, ACTIVITIES, AND STRATEGIES THAT ARE SUPPORTED BY THE SCIENCE OF READING. THE DIRECTOR IS ENCOURAGED TO SUBMIT THE PLAN TO THE STATE LIBRARIAN BY JULY 1, 2024.

SECTION 6. In Colorado Revised Statutes, 24-90-105, **add** (2)(g) as follows:

24-90-105. Powers and duties of state librarian. (2) The state librarian has the following powers and duties with respect to other publicly supported libraries in the state:

(g) TO WORK WITH PUBLIC LIBRARIES THROUGHOUT THE STATE TO FACILITATE ACCESS TO EVIDENCE-BASED TRAINING IN THE SCIENCE OF READING, AS DEFINED IN SECTION 24-90-121, FOR LIBRARIANS AND ASSIST IN IDENTIFYING MATERIALS AND ACTIVITIES FOR PARENTS AND CHILDREN TO IMPROVE LITERACY, AS DESCRIBED IN SECTION 24-90-121.

SECTION 7. Appropriation. (1) For the 2022-23 state fiscal year, \$251,139 is appropriated to the department of education. This appropriation is from the early literacy fund created in section 22-7-1210 (1), C.R.S., and is based on an assumption that the department will require an additional 0.8 FTE. To implement this act, the department may use this appropriation for early literacy program administration and technical support.

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 31, 2022